

**Amendments to the Drawings:**

No amendments are made to the Drawings herein.

**REMARKS**

By the foregoing Amendment, Claim 12 is amended. Entry of the Amendment, and favorable consideration thereof is earnestly requested.

Claims 12, 13 and 15 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner has noted that there is insufficient antecedent basis for "the total amount of fungible precious metal." Claim 12 has been amended to obviate this rejection.

Claim 12 stands rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between steps. Claim 12 has been amended to clarify how each of the steps is interrelated and interconnected.

Claim 12 stands rejected as being indefinite because it recites that "the total amount" represented by electronic data files is less than the amount stored in the secure facilities. Claim 12 has been amended to (i) replace the term "less than or equal to" with the term "no greater than" for purposes of clarification. Claim 12 has also been amended to provide a basis for how such occurs. More specifically, an amount of the fungible precious metal represented by each electronic data file as it is created is identified, which identified amount is no greater than a deposit of the

fungible precious metal having been previously received at the secure facilities.

Since the amount of each electronic data file is no greater than a deposit previously received, the total amount represented by all electronic data files can be no greater than the total amount received at the secure facilities. It should be noted that the total amount represented by all electronic data files can be less than the total amount received at the secure facilities in embodiments where storage fees are charged when the electronic data files (i.e., ecoins) are created (see Paragraphs [0093] - [0098]).

The Examiner has rejected Claims 12, 13 and 15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,932,485 to Mori. Applicant respectfully asks the Examiner to reconsider this rejection in view of the above Amendments and the below Remarks.

The present invention is directed to a computer implemented, fungible precious metal backed, currency system which includes an "emint" which electronically creates "ecoins" in a variety of weights. Each "ecoin" (referred to in Claim 12 as an "electronic data file") includes information embedded in it comprising: a unique serial number, the weight (denominated in either grams or ounces or other physical measurement) of the fungible precious metal (usually gold) that it represents and which has been deposited at secure facilities, the date that the "ecoin" was created, and a digital signature for authenticating the "ecoin".

The currency system is 100% backed, meaning that a total amount of fungible precious metal represented by an aggregate of the “ecoins” is no greater than the quantity of fungible precious metal stored in secure facilities.

Mori discloses an electronic scale device which measures weight of an item and calculates a price of the item by multiplying the weight of the item by a unit price of the item, and a printing device for printing out item data including the weight of the item and the price of the item on a label paper or a receipt paper. The electronic scale device includes a memory device for storing member-customer data including customer name, customer address, and total amount eligible for rebate based on total purchase amount, the member-customer data being read from the memory device by inputting customer-identification data, a calculating device for calculating rebate data including rebate amount or a number of points for rebate, based on the total amount eligible for rebate, and a printer control device for controlling the printing device to print out at least one data set including the customer name and the customer address and a second data set including the rebate data on a receipt paper or a label paper by device of the printing device.

Applicant respectfully submits, however, that Mori does not disclose, teach or suggest in any way numerous of the elements required by Claim 12. More specifically, Mori does not disclose, teach or suggest in any way identifying an amount of the fungible precious metal represented by an electronic data file and

storing the identified amount as part of said electronic data file, the identified amount being no greater than a deposit of the fungible precious metal having been previously received at the secure facilities. Mori is simply dealing with a PLU (price look-up) file which specifies item data, such as unit price, term of validity, item code, total weight, total price and item name for an item, and a customer file which specifies customer-related information, such as customer name, customer address, total purchase amount, price eligible for rebate, rebate, number of points and the like. There is no disclosure, teaching or suggestion of identifying an amount of a fungible precious metal, which amount is no greater than a deposit amount, and storing the identified amount in an electronic data file.

Moreover, Mori does not disclose, teach or suggest in any way identifying a date associated with an electronic data file, the date indicating the date when the electronic data file was created, and storing the date as part of said electronic data file. There would simply be no reason to identify the date either of the PLU or the customer file disclosed in Mori had been created.

Furthermore, there is absolutely no disclosure, teaching or suggestion in Mori to create a digital signature for authenticating the electronic data files, and storing the digital signature as part of the electronic data files. As is explained in detail in the specification of the current application, the digital signatures comprise security measures which are implemented to ensure that counterfeit "ecoins" are not fraudulently created. Again, however, Mori is concerned with a PLU (price look-up) file and a customer file, neither of which comprises sensitive material. As

such, there would be no reason to implement a digital signature technique so as to prevent counterfeiting with the system of Mori.

In short, Mori is concerned with a completely different system than is the claimed invention of the present application, which system is designed to perform a completely different function. Applicant respectfully submits that even when read to the broadest reasonable extent, there are numerous elements of Claim 12 which are not disclosed, taught or suggested by Mori. Applicant also respectfully submits that because Mori is concerned with solving a completely different problem than is the present invention, there would be no motivation to modify Mori to include such missing elements.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 12, 13 and 15, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,



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